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VIA ECF AND FACSIMILE

September 7, 2017

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Fax: (212) 805-7986

Re: *Bytemark, Inc. v. Xerox Corp. et al.*, Case No. 1:17-cv-01803

Dear Judge Gardephe:

We represent Defendants Xerox Corp. (“Xerox”), ACS Transport Solutions, Inc. (“ACS”), Xerox Transport Solutions, Inc. (“Xerox Transport”), Conduent, Inc. (“Conduent”), and New Jersey Transit Corp. (“NJ Transit”) (collectively “Defendants”).

Since the Defendants’ last letter filed with the Court on August 8, 2017, the parties have had follow-up communications and a conference this afternoon. Based on exchange of information and some clarifications, the parties believe that they may be able to resolve some of the issues relating to what Defendants perceive to be the sufficiency of Plaintiff’s pleading. Accordingly, instead of Defendants’ submitting a pre-motion letter to the Court today (in accordance with Rule IV(A) of the Individual Rules of Practice), the parties have agreed that the Plaintiff may file an amended pleading by September 21, 2017 to address the issues raised by the Defendants in hopes to resolve Defendants’ issues without motion practice.

Accordingly, the parties request the Court grant leave for a 14 day stipulated extension for the Plaintiff to file an amended pleading. In the event the Court does not grant this extension, the defendants will file their pre-motion letter.

Thank you for your attention to this request.



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Very truly yours,

FISHMAN STEWART PLLC

/s/ Douglas P. LaLone

Douglas P. LaLone
Counsel for the Defendants

cc: David Dehoney, Esq. (via ECF) Defendant's counsel
Dariush Keyhani, Esq. (via ECF) Bytemark's counsel